

MAILED

OCT 12 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Orum & Roth  
53 W Jackson Boulevard  
Ste 1616  
Chicago IL 60604

In re Application of	:	
LAURE, Stefan	:	
Application No.: 10/586,009	:	DECISION
PCT No.: PCT/DE2005/000047	:	
Int. Filing Date: 14 January 2005	:	
Priority Date: 15 January 2004	:	
Attorney's Docket No.: 14430	:	
For: PLASMA TREATMENT OF LARGE-SCALE	:	
COMPONENTS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) filed 30 December 2008 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 14 January 2005, applicant filed international application PCT/DE2005/000047, which designated the U.S. and claimed a priority date of 15 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 28 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 July 2006 (15 July 2006 being a Saturday).

On 12 July 2006, applicant filed a submission for entry into the national stage in the United States which included, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 02 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required because the declaration filed 12 July 2006 failed to identify the citizenship of the inventor. The NOTIFICATION set a two-month extendable period for response.

On 18 June 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (PCT/DO/EO/909) indicating that the application was abandoned as to the United States of

America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 02 November 2007 within the time period set therein.

On 30 December 2008, applicant filed the instant petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of the inventor.

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the required reply, a proper declaration of the inventor, has not been provided. See the section "Declaration of the Inventor" below.

As to item (2), applicant submitted the petition fee on 30 December 2008.

As to item (3), a grantable petition has not yet been provided.

#### **Declaration of the Inventor**

The declaration filed 30 December 2008 is not sufficient because the "wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration." MPEP § 602.01.

### **CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

The application remains abandoned for the reasons set forth in the NOTIFICATION OF ABANDONMENT mailed 18 June 2008.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal

Application No.: 12/586,009

-3-

Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301